

Moved by Brackett

Seconded by Keough

IN THE SENATE
SENATE AMENDMENT TO H.B. NO. 312

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 16 through 20, and insert:

"Vehicles one (1) and two (2) years old	\$48 <u>73</u> .00
Vehicles three (3) and four (4) years old	\$36 <u>61</u> .00
Vehicles five (5) and six (6) years old	\$36 <u>61</u> .00
Vehicles seven (7) and eight (8) years old	\$244 <u>9</u> .00
Vehicles over eight (8) years old	\$244 <u>9</u> .00".

On page 2, in line 6, delete "fifteen" and insert: "nineteen"; and also in line 6, delete "(\$915.00)" and insert: "(\$919.00)".

AMENDMENT TO SECTION 2

On page 4, in line 19, delete "fifteen dollars (\$15.00)." and insert: "twenty-five dollars (\$25.00)."; and on page 8, in line 2, delete "fifteen dollars (\$15.00)." and insert: "twenty-five dollars (\$25.00).".

AMENDMENT TO SECTION 3

On page 9, in line 10, delete "one hundred fifty dollars (\$150)" and insert: "one hundred forty dollars (\$140)"; in line 13, delete "one hundred dollars (\$100)" and insert: "seventy-five dollars (\$75.00)"; and following line 18, insert:

"(4) For purposes of this chapter, "electric vehicle" means a vehicle powered only by a form of electricity and "hybrid vehicle" means a motor vehicle with a hybrid propulsion system that operates on both an alternative fuel, including electricity, and traditional fuel."

AMENDMENT TO THE BILL

On page 9, following line 18, insert:

"SECTION 4. That Section 63-2402, Idaho Code, be, and the same is hereby amended to read as follows:

63-2402. IMPOSITION OF TAX UPON MOTOR FUEL. (1) A tax is hereby imposed upon the distributor who receives motor fuel in this state. The legal incidence of the tax imposed under this section is borne by the distributor. The tax becomes due and payable upon receipt of the motor fuel in this state by the distributor unless such tax liability has previously accrued to another distributor pursuant to this section. The tax shall be imposed without regard to whether use is on a governmental basis or otherwise, unless exempted by this chapter.

(2) On and after July 1, 2015, ~~t~~The tax imposed in this section shall be at the rate of ~~twenty-five~~ twenty-nine cents (25~~29~~¢) per gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and refunds set forth in this chapter.

(3) On and after July 1, 2017, the tax imposed in this section shall be at the rate of thirty-three cents (33¢) per gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and refunds set forth in this chapter.

(4) On and after July 1, 2019, the tax imposed in this section shall be at the rate of thirty-five cents (35¢) per gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and refunds set forth in this chapter.

(5) Nothing in this chapter shall prohibit the distributor who is liable for payment of the tax imposed under subsection (1) of this section from including as part of the selling price an amount equal to such tax on motor fuels sold or delivered by such distributor; provided however, that nothing in this chapter shall be deemed to impose tax liability on any person to whom such fuel is sold or delivered except as provided in subsection (68) of this section.

(46) Any person coming into this state in a motor vehicle may transport in the manufacturer's original tank of that vehicle, for his own use only, not more than thirty (30) gallons of motor fuel for the purpose of operating that motor vehicle, without complying with the provisions of this chapter.

(57) The tax imposed in this section does not apply to:

(a) Special fuels that have been dyed at a refinery or terminal under the provisions of 26 U.S.C. section 4082 and regulations adopted thereunder, or under the clean air act and regulations adopted thereunder except as provided in section 63-2425, Idaho Code; or

(b) Special fuel dispensed into a motor vehicle which uses gaseous special fuels and which displays a valid gaseous special fuels permit under section 63-2424, Idaho Code; or

(c) Special fuels that are gaseous special fuels, as defined in section 63-2401, Idaho Code, except that part thereof that is delivered into the fuel supply tank or tanks of a motor vehicle; or

(d) Aircraft engine fuel subject to tax under section 63-2408, Idaho Code.

(68) Should the distributor of first receipt be exempt from imposition of the tax as a matter of federal law, by virtue of its status as a ~~federally-recognized~~ federally recognized Indian tribe or member of such tribe, such distributor shall not bear the tax's legal incidence and must pass the tax through as part of the selling price of the fuel. Such distributor shall retain the administrative obligation to remit the tax, and such obligation shall accrue upon receipt in accordance with subsection (1) of this section. Should a retailer otherwise subject to the tax be exempt from imposition of the tax as a matter of federal law, by virtue of its status as a ~~federally-recognized~~ federally recognized Indian tribe or member of such tribe, the retailer shall not bear the tax's legal incidence and must pass the tax through as part of the selling price of the fuel to the consumer, unless such consumer is exempt from imposition of the tax as a matter of federal law, by virtue of its status as a ~~federally-recognized~~ federally recognized

1 Indian tribe or membership in such tribe, and the retailer shall be entitled
 2 to claim a credit against taxes otherwise due and owing under this chapter or
 3 a tax refund, together with interest, attributable to the fuel purchased by
 4 such consumer.

5 SECTION 5. That Section 63-2424, Idaho Code, as amended by Section 2,
 6 Chapter 175, Laws of 2015, be, and the same is hereby amended to read as fol-
 7 lows:

8 63-2424. GASEOUS SPECIAL FUELS. (1) In the case of gaseous special fu-
 9 els, the commission shall provide by rule the method to be used for convert-
 10 ing the measurement of the fuel to the equivalent of gallons for the purpose
 11 of applying tax rates. The method provided shall cause the tax rate provided
 12 in section 63-2402, Idaho Code, to apply to an amount of gaseous special fu-
 13 els having energy equal to one (1) gallon of gasoline.

14 (2) The commission shall use the following measurement for natural gas:

15 (a) When determining the tax on liquefied natural gas, a "diesel gal-
 16 lon equivalent" is a quantity that weighs six and six hundredths (6.06)
 17 pounds; and

18 (b) When determining the tax on compressed natural gas, a "gasoline
 19 gallon equivalent" is one hundred twenty-six and sixty-seven
 20 hundredths (126.67) cubic feet of natural gas at sixty (60) degrees
 21 Fahrenheit and fourteen and seven-tenths (14.7) pounds per square inch
 22 absolute or a quantity of compressed natural gas that weighs five and
 23 sixty-six hundredths (5.66) pounds.

24 (3) (a) For the period starting July 1, 2015, and ending June 30, 2016,
 25 the tax rate applied to gaseous special fuels shall be one-third (1/3)
 26 of the equivalent amount as provided in this section.

27 (b) For the period starting July 1, 2016, and ending June 30, 2017, the
 28 tax rate applied to gaseous special fuels shall be two-thirds (2/3) of
 29 the equivalent amount as provided in this section.

30 (4) As used in this chapter, "gaseous special fuels" means a motor fuel
 31 that is a gas at standard pressure and temperature (i.e., at sixty (60) de-
 32 grees Fahrenheit and fourteen and seven-tenths (14.7) pounds per square inch
 33 absolute).

34 SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature that
 35 on or before January 1, 2021, there shall be imposed on all commercial vehi-
 36 cles, irrespective of body type, and on all farm vehicles having a maximum
 37 gross weight in excess of sixty thousand (60,000) pounds, an annual regis-
 38 tration fee and in addition thereto, an operating fee by weight class based
 39 on the total miles the owner operated such vehicle on roads and highways in
 40 the state, county, city and highway district systems in Idaho during each
 41 quarter of the calendar year.

42 SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature that
 43 all additional funds collected under the provisions of this act, remitted to
 44 the Idaho Transportation Department or entities subject to the distribution
 45 provisions of Section 40-709, Idaho Code, shall be used exclusively for road

1 and bridge maintenance and replacement projects both at the state and local
2 level.

3 SECTION 8. LEGISLATIVE INTENT. It is the intent of the Legislature that
4 the Idaho Transportation Department, and all local units of government re-
5 ceiving funds collected under the provisions of this act, shall prepare an
6 annual report and deliver the same to the Senate Transportation Committee
7 and the House Transportation and Defense Committee on or before the first day
8 of each legislative session. Local units of government shall submit report
9 information to the Local Highway Technical Assistance Council, which shall
10 compile the reporting information into one report for submission. The re-
11 ports shall include a full accounting of the additional funds collected un-
12 der the provisions of this act and how such funds were expended. Such report
13 shall also include an updated assessment of the ongoing maintenance funding
14 needs.

15 SECTION 9. LEGISLATIVE INTENT. It is the intent of the Legislature that
16 the Idaho State Police and the State Tax Commission shall, no later than the
17 first day of the 2016 legislative session, provide recommendations to the
18 Senate Transportation Committee and the House Transportation and Defense
19 Committee on greater enforcement of the prohibition of dyed fuel and other
20 untaxed fuel use on Idaho roads and highways.

21 SECTION 10. LEGISLATIVE INTENT. This legislation is intended to be an
22 interconnected solution to raise revenue for Idaho's transportation infra-
23 structure and maintenance."

24 CORRECTION TO TITLE

25 On page 1, in line 4, delete "AND"; in line 6, delete "VEHICLES AND" and
26 insert: "VEHICLES,"; and in line 7, following "FEES" insert: ", AND TO DE-
27 FINE TERMS; AMENDING SECTION 63-2402, IDAHO CODE, TO REVISE THE TAX IMPOSED
28 ON MOTOR FUEL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-2424,
29 IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 175, LAWS OF 2015, TO REVISE
30 PROVISIONS RELATING TO THE TAX RATE APPLIED TO GASEOUS SPECIAL FUELS; AND TO
31 PROVIDE LEGISLATIVE INTENT".